



Pennsylvania DEP's Environmental Justice Policy

Pennsylvania Environmental Council
and Pennsylvania Organization for Watersheds and Rivers

March 11, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary

Learning Objectives

After this session, participants will be able to:

- Define environmental justice, equity, and equality.
- Know about the DEP's Environmental Justice Policy revision and how to comment.
- Use tools to help identify environmental justice concerns in communities.



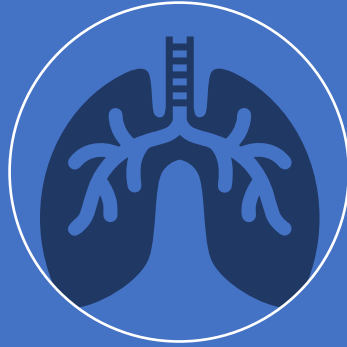
DEP Mission

To protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

DEP Bureaus



Water



Waste, Air,
Radiation, and
Remediation



Active and
Abandoned
Mines

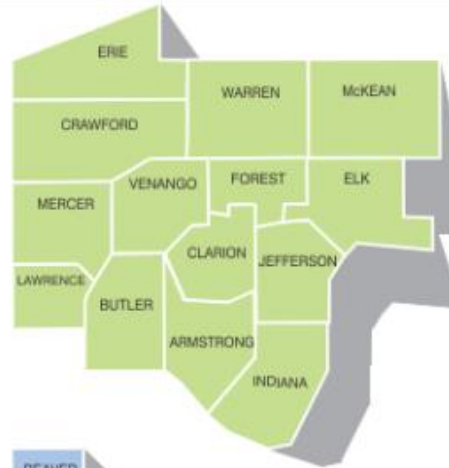


Oil and Gas

Regional Offices

DEP Regions

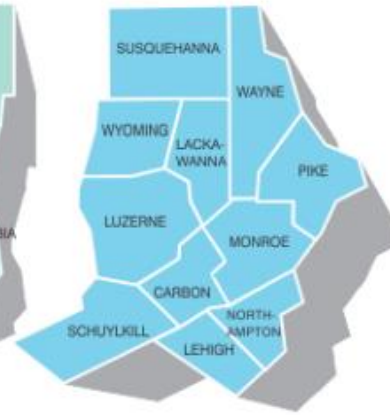
NORTHWEST
814-332-6945



NORTH-CENTRAL
570-327-3636



NORTHEAST
570-826-2511



SOUTHWEST
412-442-4000

SOUTH-CENTRAL
717-705-4700

SOUTHEAST
484-250-5900

Definition of Environmental Justice

Fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, in the development, implementation and enforcement of environmental laws, regulations and policies.

US EPA

Environmental justice embodies the principle that communities and populations should not be disproportionately exposed to adverse environmental impacts.

Pennsylvania DEP

Seventeen Principles of Environmental Justice.

First People of Color Environmental Leadership Summit

**Distributive
Justice**

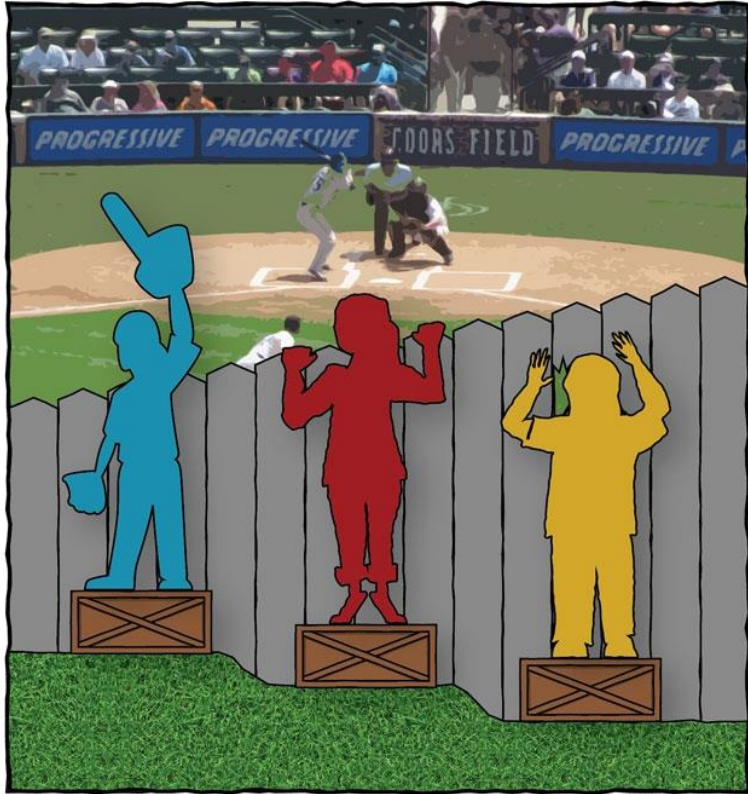
**Procedural
Justice**

**Corrective
Justice**

**Social
Justice**

**Structural
Justice**

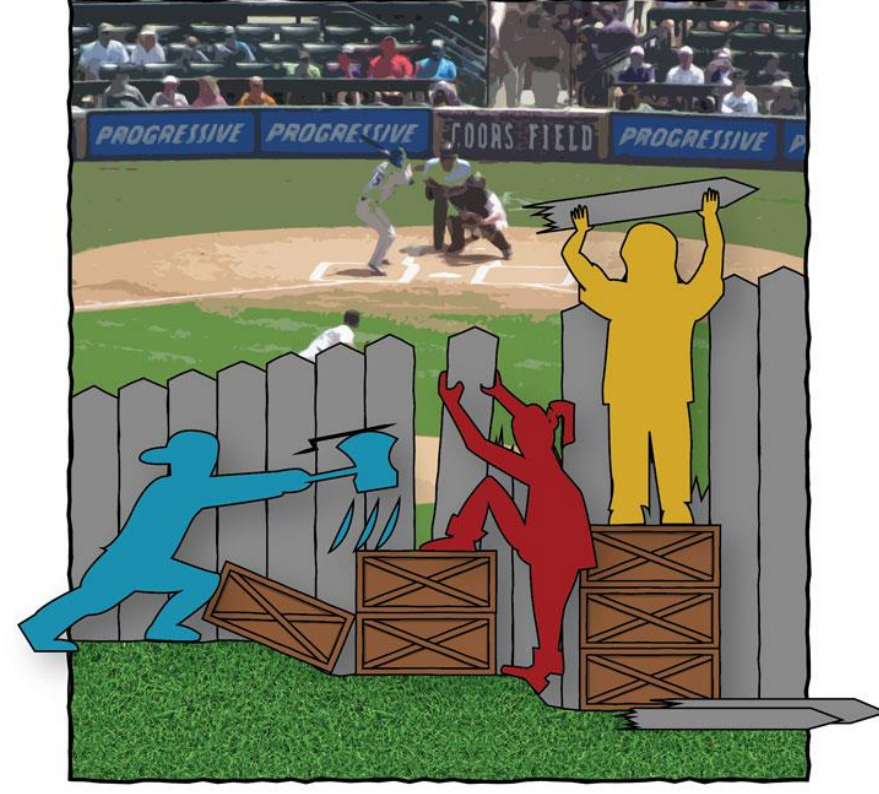
Equality, Equity, and Justice



EQUALITY



EQUITY

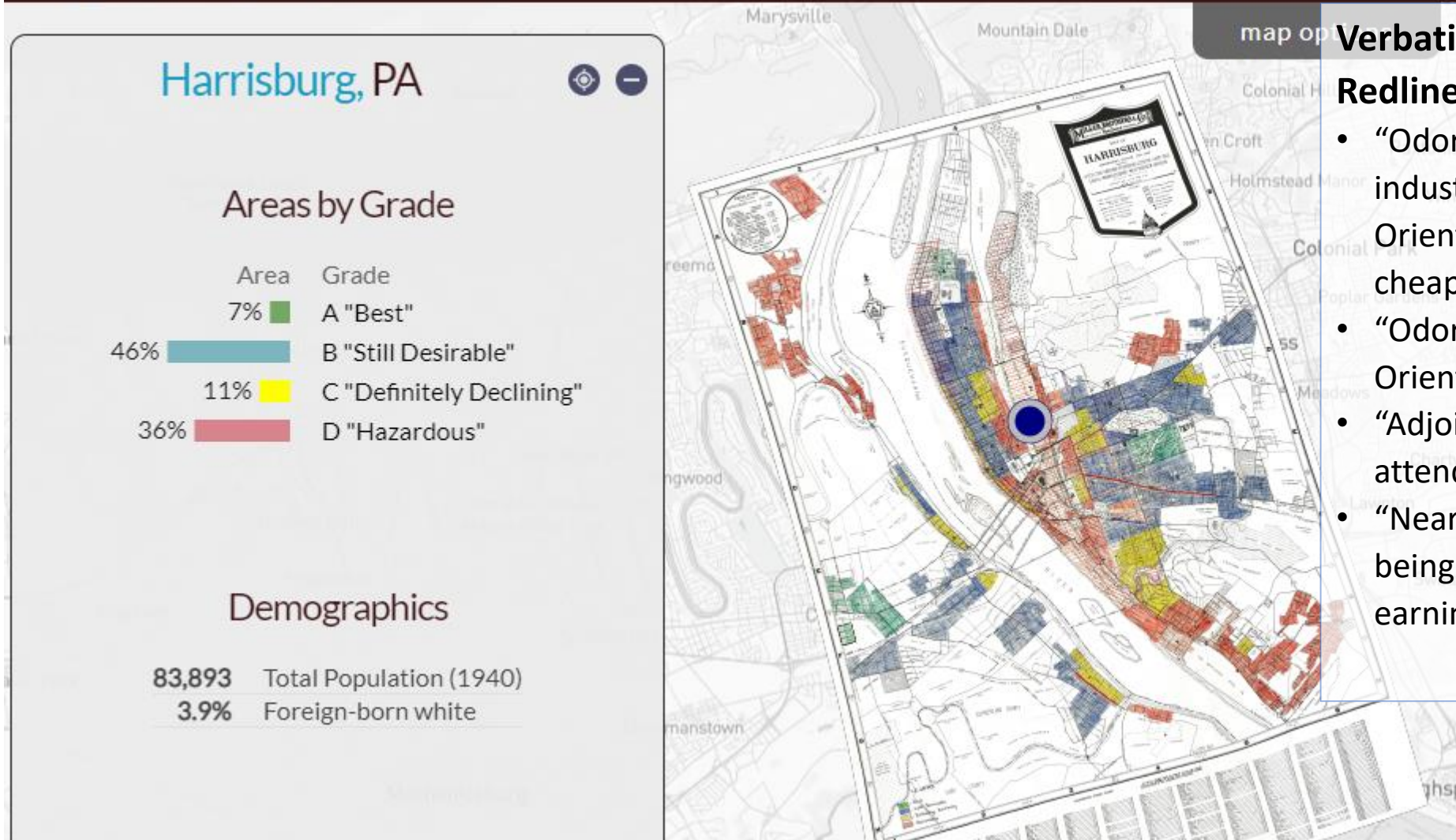


JUSTICE

Historical Legacy of EJ: Redlining & Structural Racism

Mapping Inequality Redlining in New Deal America

Introduction Downloads & Data



Verbatim Surveyor Descriptions of Redlined Areas during 1930s:

- "Odors and noises from local industries. Infiltration of colored and Orientals. Predominance of older, cheap cottages. Zoned for industry."
- "Odors from factories; infiltration of Orientals and colored."
- "Adjoining industrial area with attendant odors, smoke, etc."
- "Nearest to the industries, thereby being mainly occupied by wage earning families"

Relationship of EJ to Civil Rights

State programs and activities receiving EPA financial assistance must comply with federal non-discrimination laws*:

- Title VI of the Civil Rights Act of 1964: recipients of federal financial assistance cannot discriminate on the basis of race, color, national origin (including limited-English proficiency)



Other Non-discrimination Laws*

- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Section 13 of Federal Water Pollution Control Act Amendments of 1972
- EPA's nondiscrimination regulation, 40 C.F.R. Parts 5 and 7

Historical Roots of Environmental Justice



Historical Roots of Environmental Justice



Warren County,
North Carolina, 1982



United Church of
Christ Study, 1987



First People of Color
Environmental Leadership
Summit, 1991



Executive Order
12898, 1994

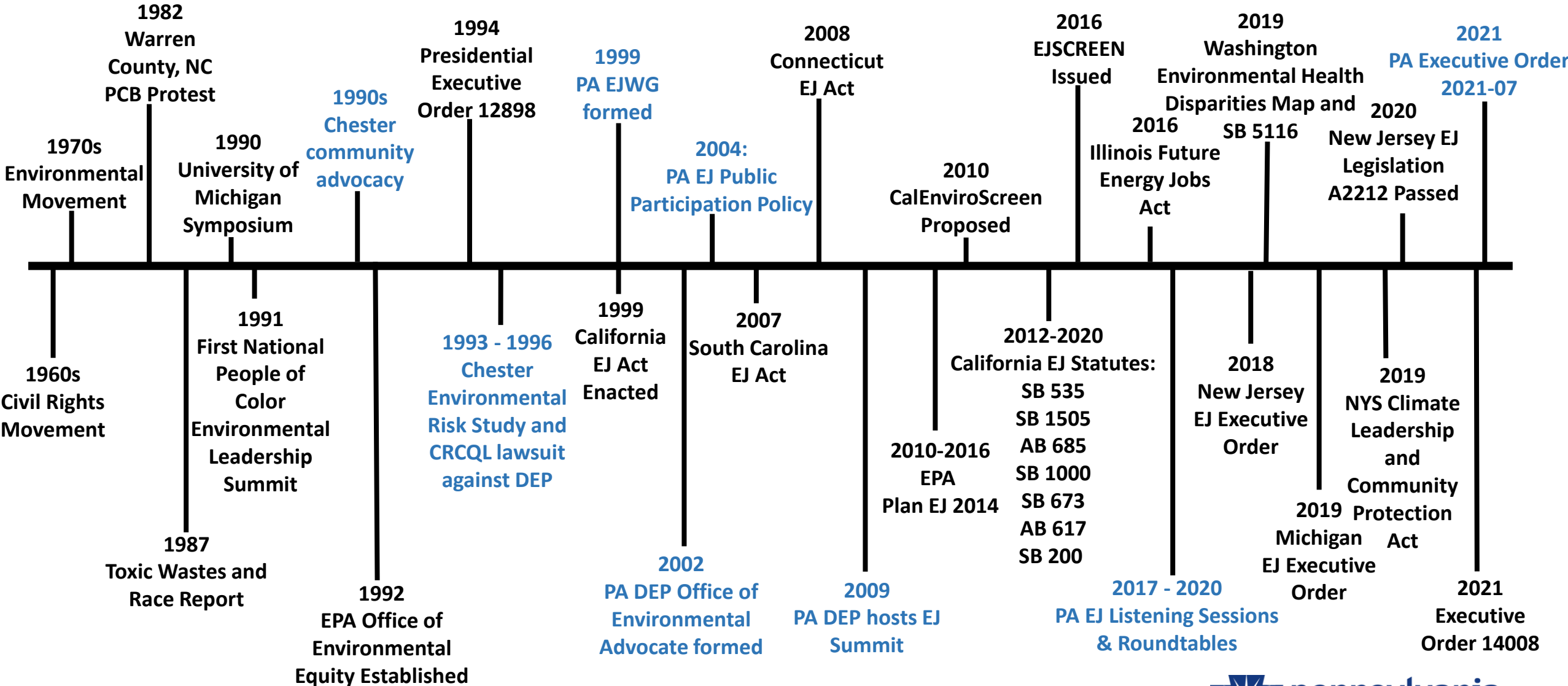
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities. The work of these early advocates paved the way for program development starting in the early 1990's, over the past 30 years, have resulted in significant progress at all levels of government.

Roots of EJ in Pennsylvania

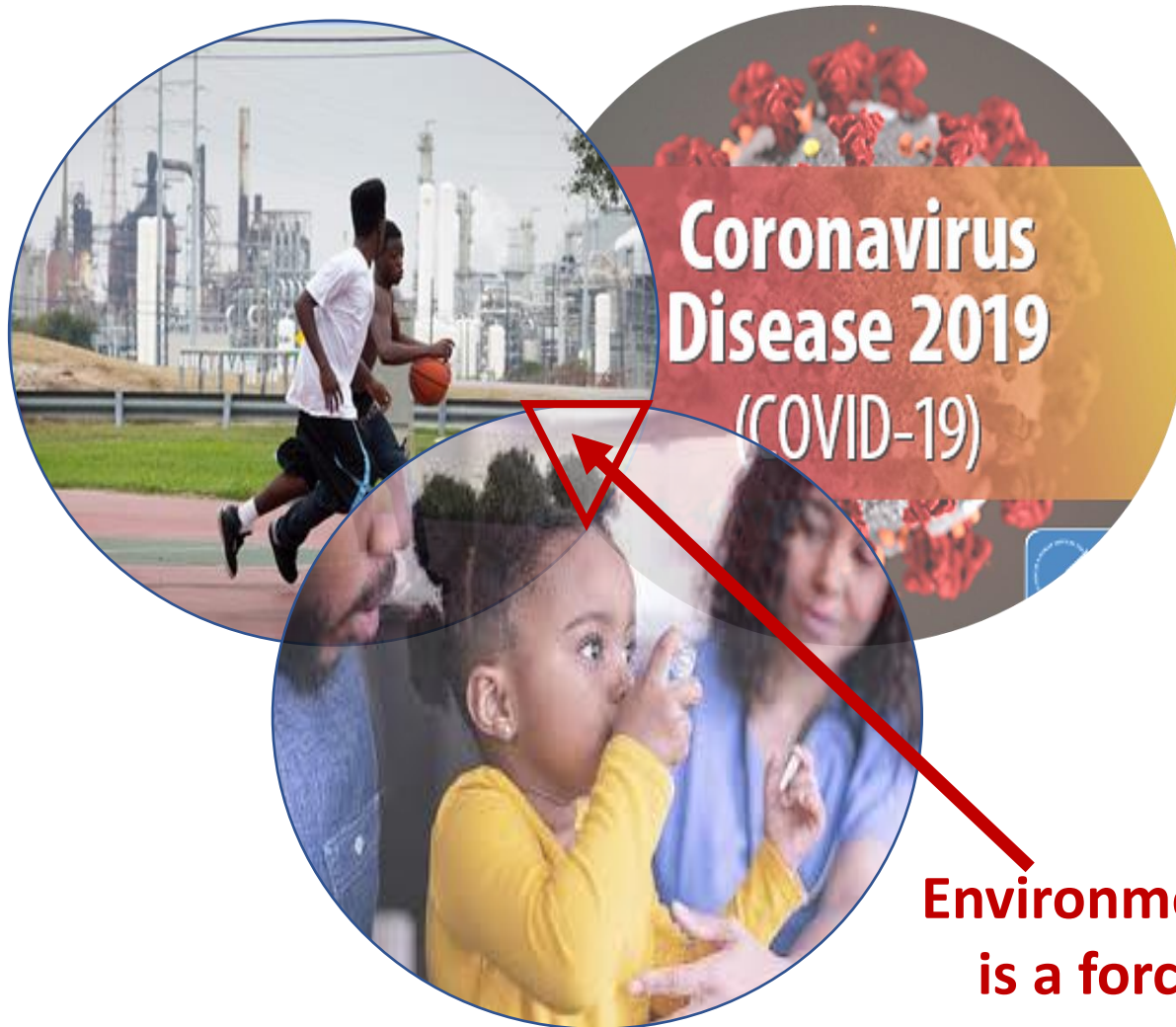
- Organizing of Chester in early 1990s
- Environmental Risk Study by EPA in conjunction with DER in 1993
- Chester residents (CRCQL) lawsuit against DEP in 1996
- DEP Environmental Justice Work Group (EJWG) created in 1999
Report and Recommendations released in 2001



Timeline of Federal and State Government Response



Science of Disproportionate Environmental Impacts



DRIVERS

- Built Environment: Proximity to pollution sources (e.g., stationary and mobile air emissions)
- Natural Environment: Disasters (e.g., wildfires, heat waves, pandemics)
- Social Environment: Health disparities (e.g., asthma, heart disease, hypertension, diabetes)

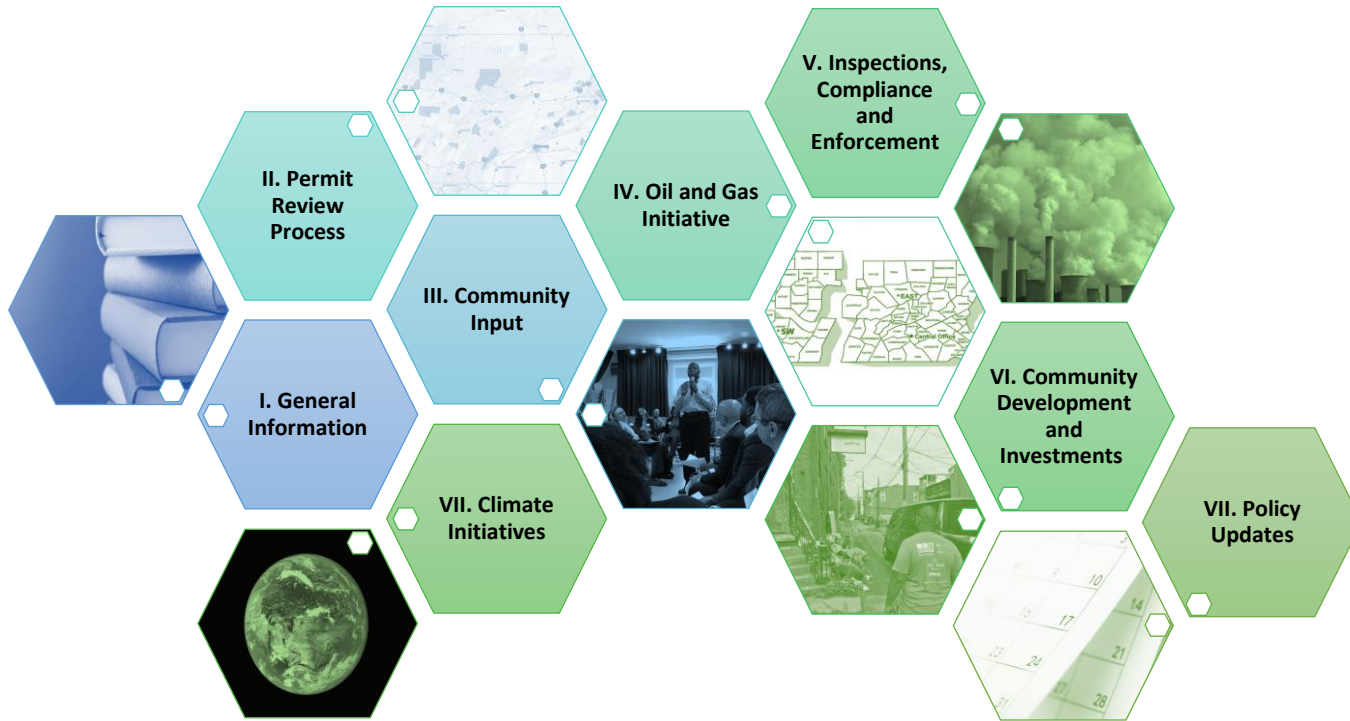
**Environmental injustice
is a force multiplier**

Purpose of EJ Policy Updates

- Withdrew a draft Policy that included several revisions and updates but continued to focus solely on public engagement in the permitting process.
- How can DEP address EJ in addition to public participation in the permit review process?
- Focused on incorporating a meaningful community engagement process to ensure inclusive community voice around its creation.
- Center this discussion on the voices of those who live in communities facing environmental burdens.



EJ Policy Components



- I. General Information
 - a. Definitions, OEJ, EJAB
- II. Permit Review Process
- III. Community Input
- IV. Oil and Gas Engagement
- V. Inspections, Compliance and Enforcement
- VI. Community Development and Investment
- VII. Climate Initiatives
- VIII. Policy Updates

Definitions



I. General
Information

- Robust definitions section defines terms ranging from applicant to public meeting.
- Assist in clarifying the document and ensuring that it is similarly interpreted by the public, DEP staff, and permit applicants.
- Enhances the overall readability and accessibility of the document.



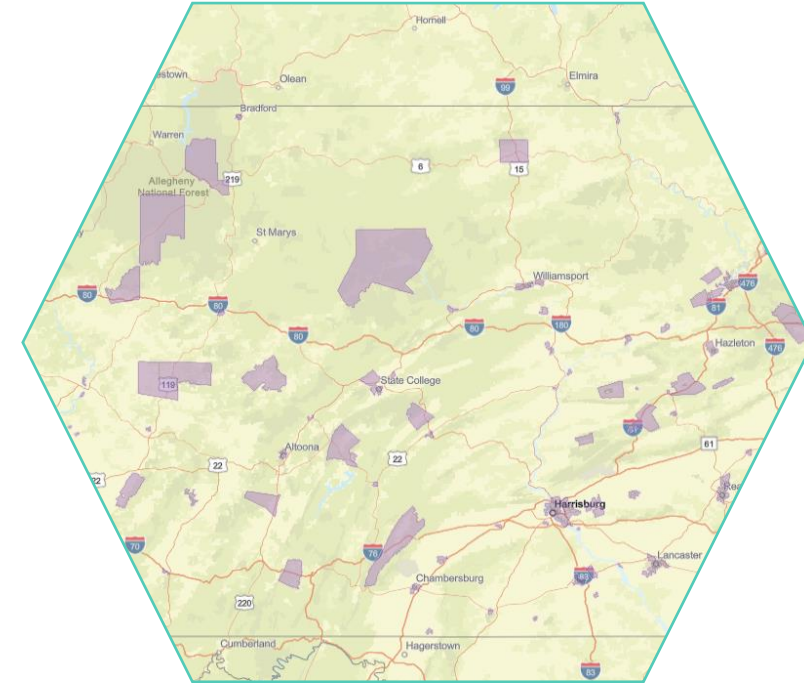
I. General Information

- Office of Environmental Justice
 - Define Role of the Office of Environmental Justice
 - Training
 - EJ Maps and Identification of Environmental Justice Areas
 - Annual Report
 - Language Access Services
 - EJ Strategic Plan
 - Environmental Justice Interagency Council
- Environmental Justice Advisory Board

Permit Review Process

II. Permit Review Process

- Builds from the current policy with improvements and updates
- Clarifies permits covered
- Offers significantly more detail in the Opt-In permit process



Community Input

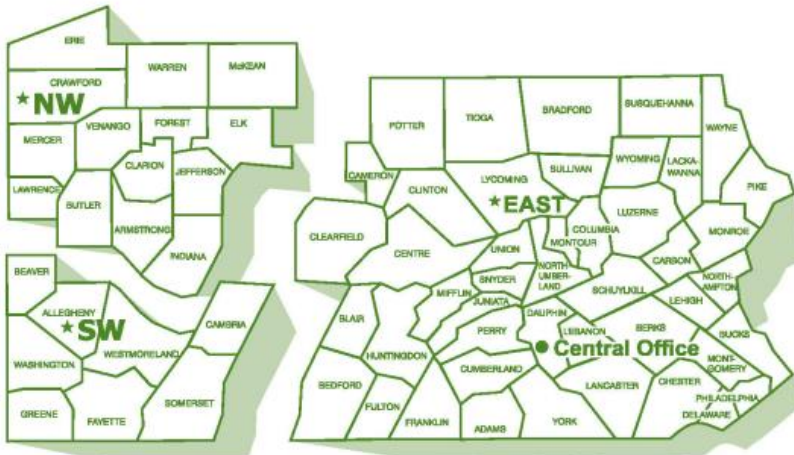
III. Community Input

- Describes the process for community input
- Indicates a number of potential outreach options



Oil and Gas Initiatives

IV. Oil and Gas Initiative



- New section specific to unconventional gas drilling
- Community concern about including some EJ considerations in the process.
- Legislatively mandated permit review timelines don't allow for these permits to be included with the permit review process identified in sections 2 and 3.


Inspection, Compliance and Enforcement

V.
Inspections,
Compliance
and
Enforcement



- Moving beyond public participation within our existing regulatory authority
- Prioritizing inspection and compliance
- Community Environmental Projects

Climate Initiatives



VI. Climate Initiatives

- Climate Action Plan involvement
- Climate adaptation
- Directs DEP to engage in public involvement that integrates the stated needs and concerns of EJ communities


Community Development and Investment

VI. Community Development and Investments

- Targeting grants
- Promoting brownfield redevelopment
- Partnering with higher education institutions



Policy Updates

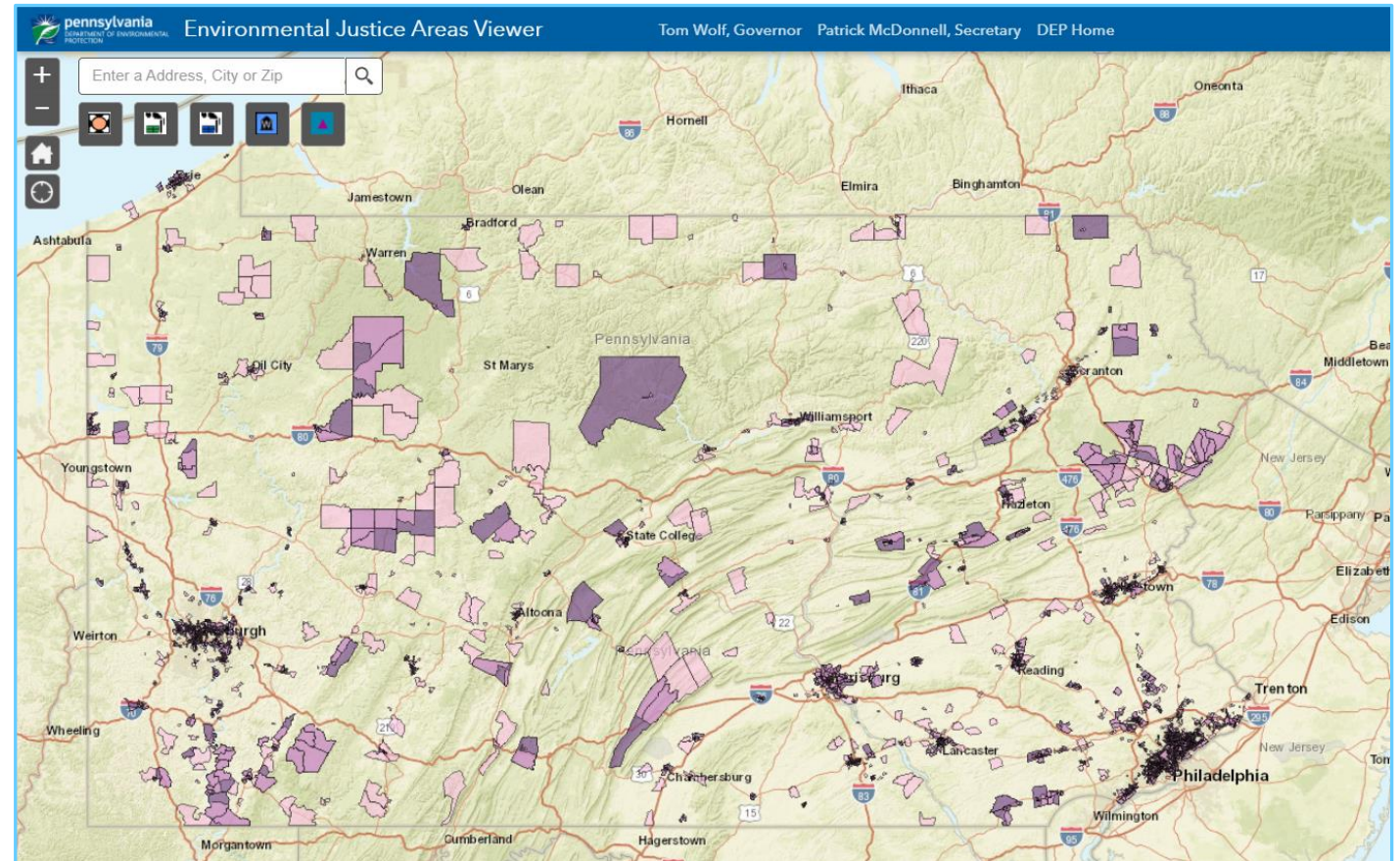


VII. Policy Updates

- Requires review of the EJ policy for updates every 4 years.
- Update EJ area identification and mapping every 2 years, based on latest data.

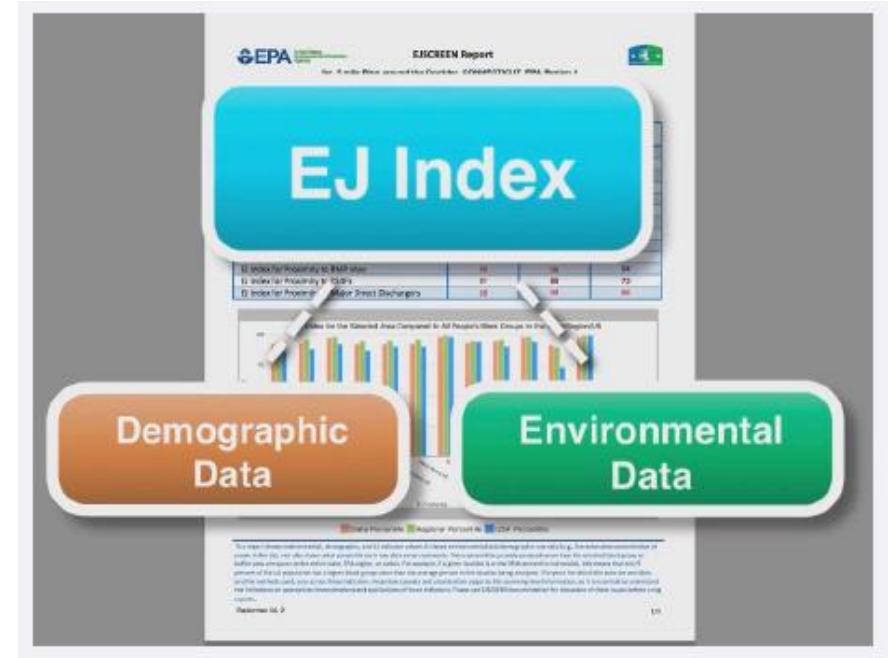
EJ Public Participation Policy

- Applies to Trigger Permits (and Opt-in Permits).
- In Environmental Justice Areas and Area of Concern.
 - EJ Areas – 30% People of Color and/or 20% Low-income
 - Area of Concern is 0.5-mile buffer.

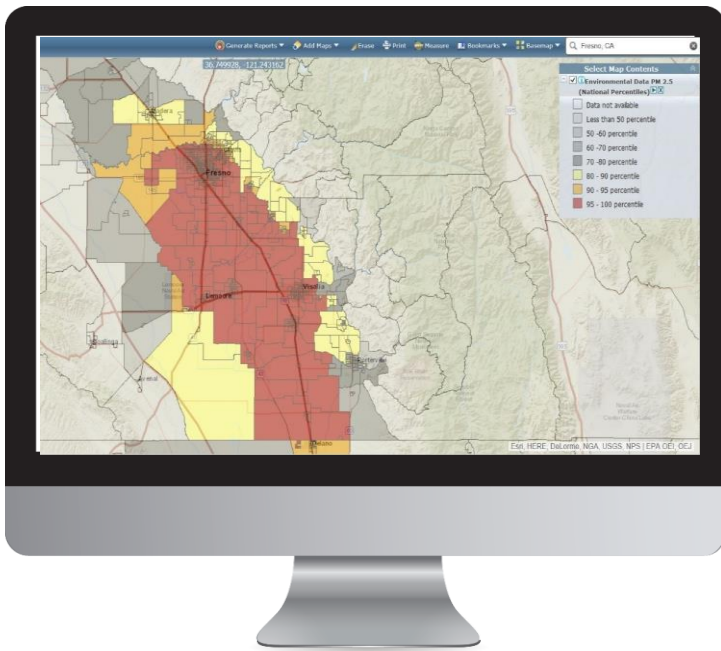


Tools: EPA EJSCREEN

- Mapping tool: epa.gov/ejscreen
- Includes demographic and environmental data
- Nationwide
- Can produce reports at the census tract level
- Working on training with other departments.



Tools: EPA EJSCREEN



EJSCREEN Training Videos

<https://www.epa.gov/ejscreen/ejscreen-videos>

Environmental Indicators

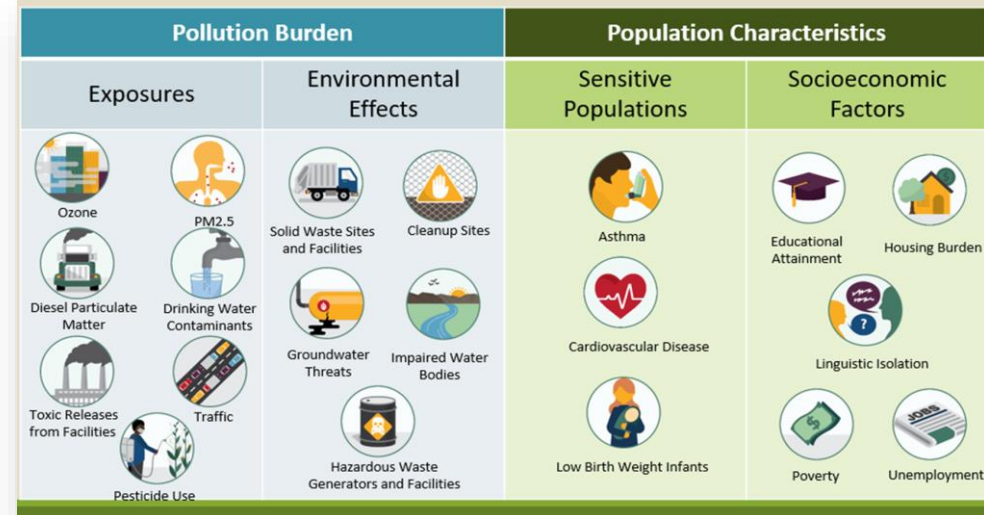
- ☐ PM 2.5
- ☐ Ozone
- ☐ NATA Diesel PM
- ☐ NATA Air Toxics Cancer Risk
- ☐ NATA Respiratory Hazard Index
- ☐ Lead Paint (pre-1960s Housing)
- ☐ Traffic Proximity
- ☐ Proximity-NPL Sites
- ☐ Proximity-RMP Facilities
- ☐ Proximity-TSD Facilities
- ☐ Proximity-Waste Water Dischargers

Demographic Indicators

- ☐ Low-Income
- ☐ Minority
- ☐ Less than High School Education
- ☐ Linguistic Isolation
- ☐ Individuals under Age 5
- ☐ Individuals over Age 64

Index: Calculated as (Low income + minority) / 2

Describing-Quantifying-Mapping Disproportionate Impacts



Disproportionate impacts is the consistent pattern of a combination of greater **pollution burden** and **population vulnerability** affecting the same communities, primarily minority, low-income, indigenous populations, as demonstrated by ample evidence.

Sources: CalEPA Office of Environmental Health Hazard Assessment and EPA EJSCREEN

Tools: CalEnviroScreen



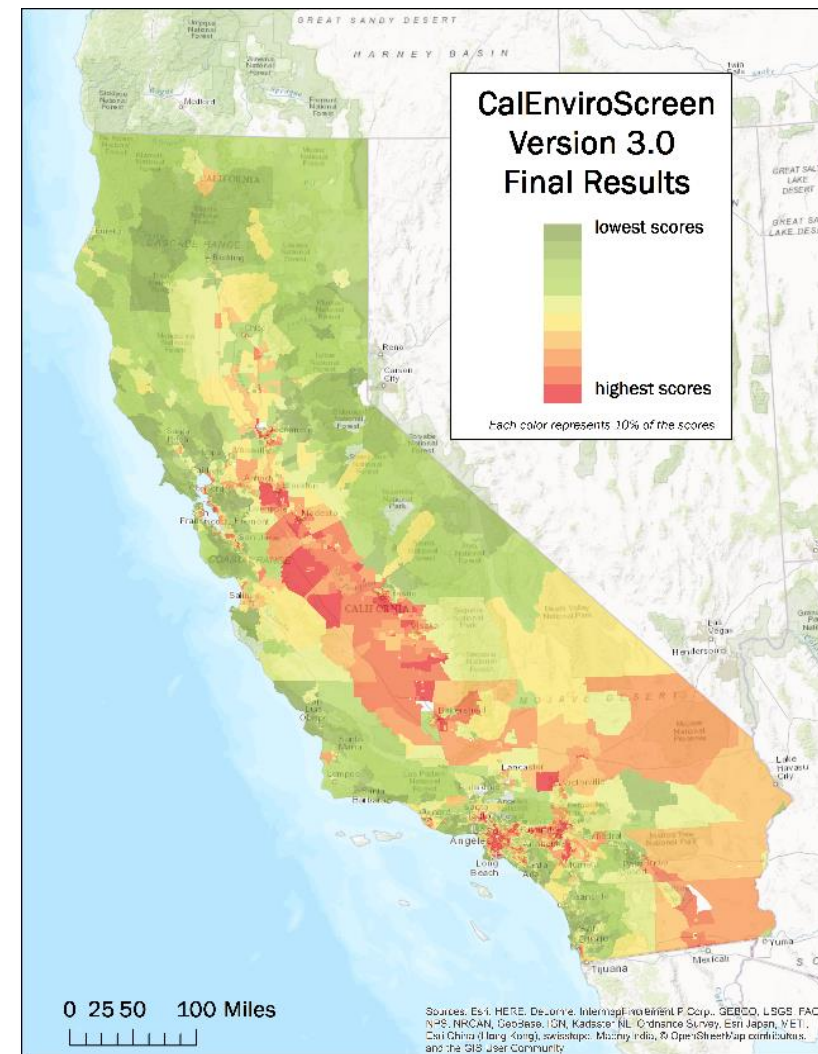
- Combines pollution burden and population characteristics
- Ranks communities according to combined scores for cumulative impacts
- Informed by significant and ongoing public input

**Pollution
Burden**

**Population
Characteristics**



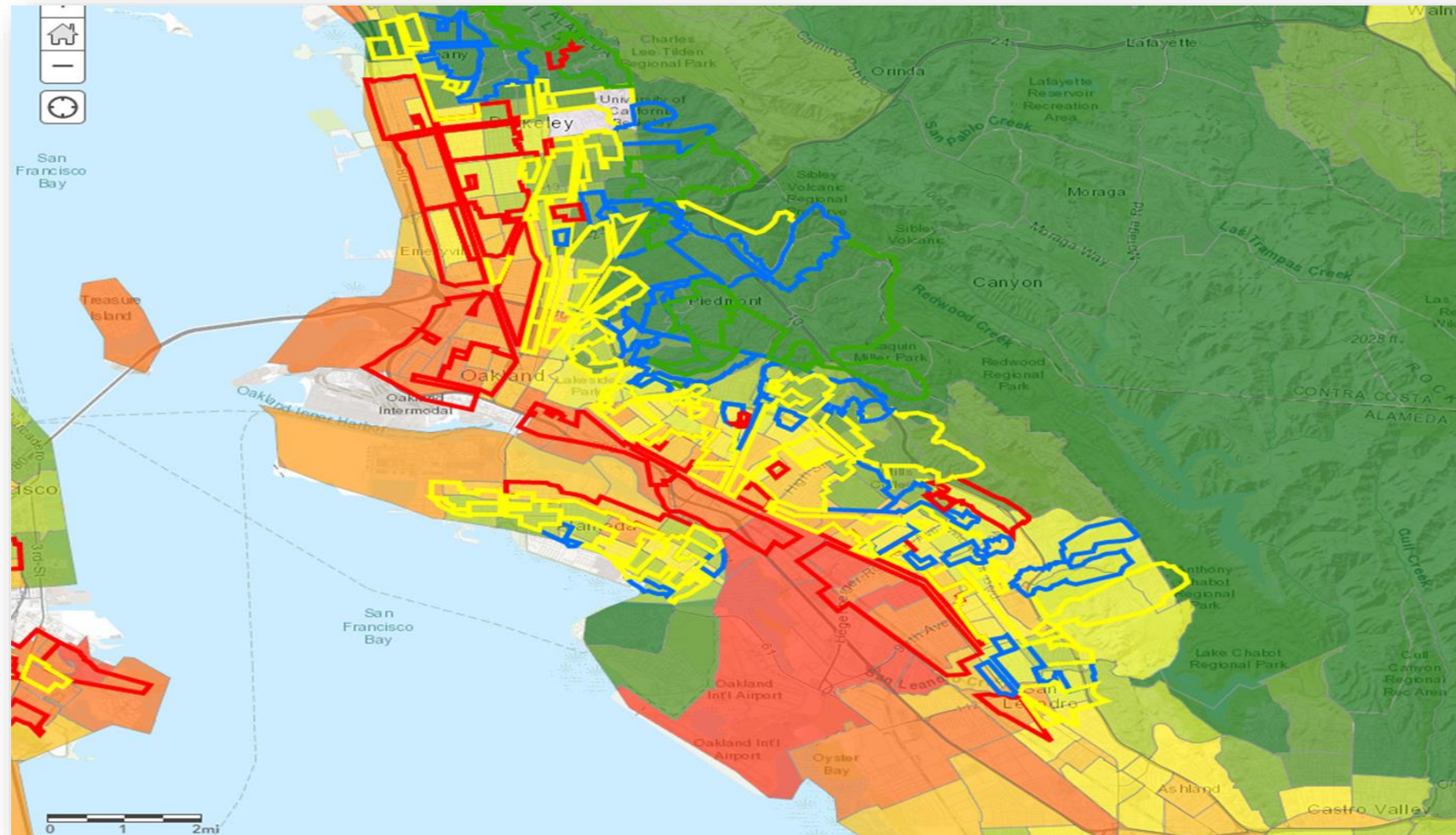
[Available as an interactive web map](#)



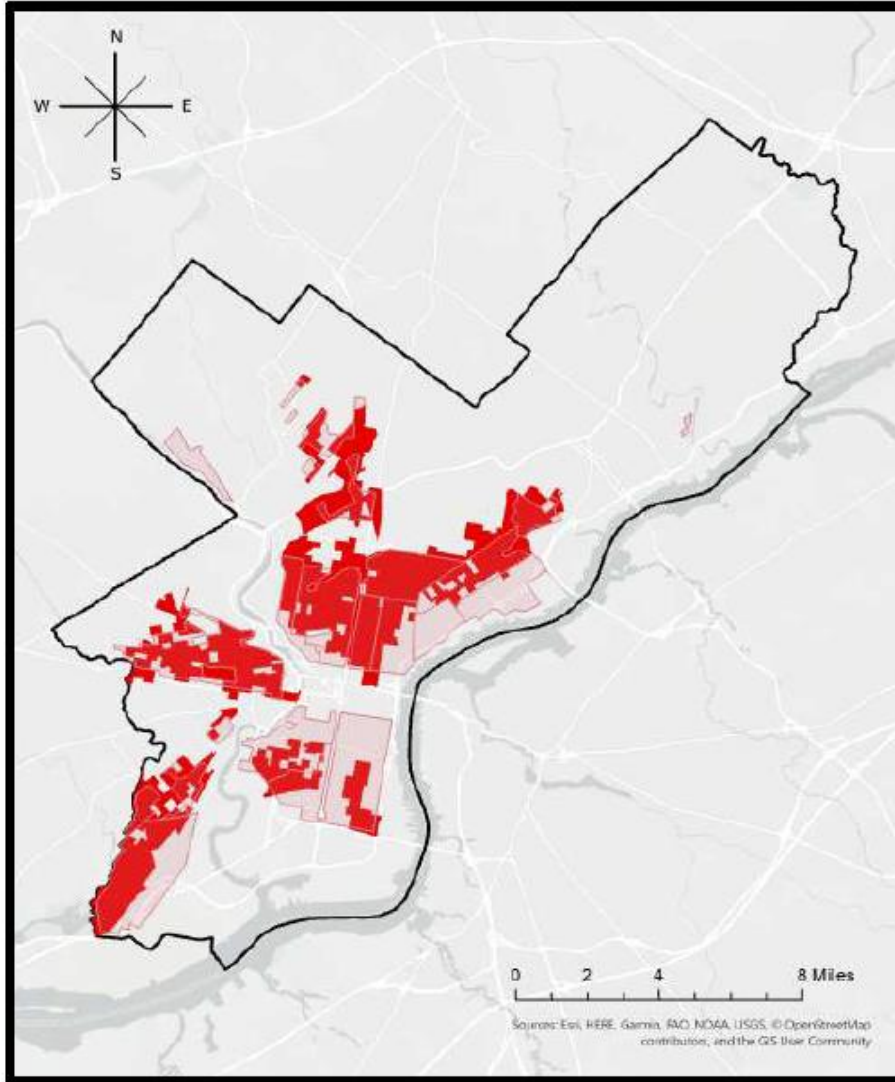
Historical Legacy of EJ: Redlining & Structural Racism



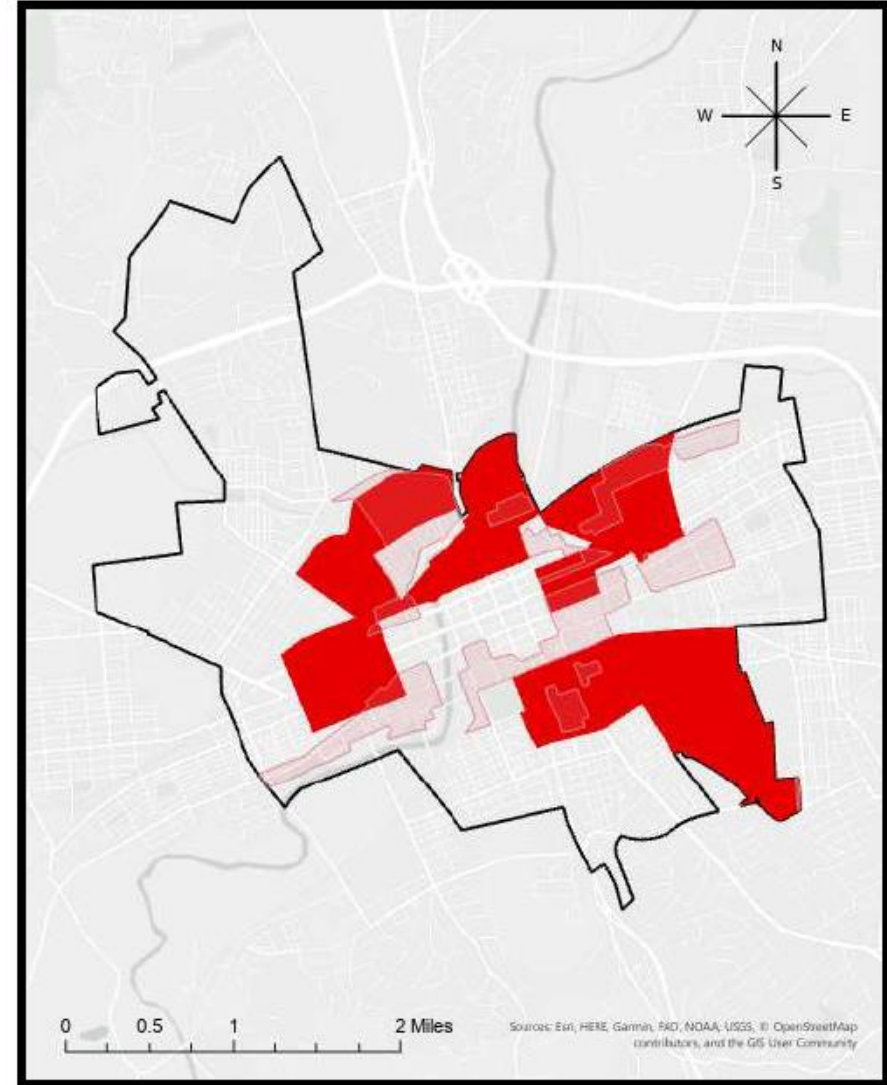
Oakland, California



Redlining in Pennsylvania



Philadelphia: Diesel Particulate Matter



York: Proximity to Hazardous Waste

EJ Policy Update Timeline

Planning

Fall – Winter
2020

Outreach and Engagement

Fall 2020 –
Summer 2021

Drafting and Finalization

Spring 2021 –
Summer 2022

Implementation

Summer 2022

EJ Policy Update Timeline

Planning

Fall – Winter 2020

Inform partners about withdrawal of policy and plan for EJ Policy development and implementation.

Draft plan and timetable for outreach and get initial feedback on outreach

Consider development of EJ Policy Advisory Group

Outreach and Engagement

Fall 2020 – Summer 2021

Identify internal (DEP and state agency) partners for feedback

Develop outreach questions, survey and strategy

EJAB, EJ Stakeholders and other external engagement

EJ Policy Update Timeline

Drafting and Finalization

Spring 2021 – Summer 2022

Internal review and input

EJAB comments on Policy

Public comment – Spring 2022

Comment and response document preparation

Internal review

Finalize policy

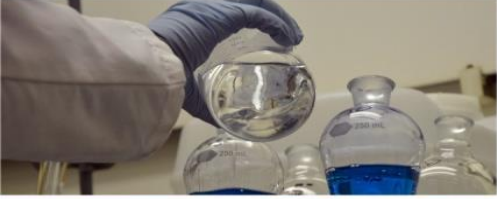
Implementation

Summer 2022

Staff and state agency training on policy

EJAB overview of Policy

Community Engagement about Policy



Office of Environmental Justice

General Comments & Questions

RA-EPOEJ@pa.gov

Sign up for

EJ NEWS

Your Environment, Your Voice

The OEJ Newsletter

Ngani Ndimbie
Western Region
nndimbie@pa.gov
(412) 442-4126

Justin Dula
Director &
Eastern Region
jdula@pa.gov
(484) 250-5820

John Brakeall
Central Region
jbrakeall@pa.gov
(717) 783-9731